

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

JERMAINE LEWIS, JR.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 5:17-CV-280 (MTT)
)	
)	
Corrections Officer K. HALL, et al.,)	
)	
Defendants.)	
)	

ORDER

United States Magistrate Judge Stephen Hyles recommends granting the Defendants' motion to dismiss the Plaintiff's complaint for failure to exhaust administrative remedies. Doc. 40 at 1, 4. The Magistrate Judge also recommends denying the Plaintiff's motion to amend his complaint and motion for transfer. *Id.* at 1. The Plaintiff has not objected to the Recommendation.¹ Pursuant to 28 U.S.C. § 636(b)(1), the Court has reviewed the Recommendation for clear error and accepts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation (Doc. 40) is **ADOPTED** and made the order of this Court.

¹ In its January 23, 2018 order adopting a previous Recommendation (Doc. 13), the Court noted the Plaintiff did not object to that Recommendation. Doc. 16 at 1. Three days later on January 26, the Plaintiff's objection was filed. Doc. 17. The Court construes that objection as a motion for reconsideration, and, pursuant to 28 U.S.C. § 636(b)(1), the Court has considered the objection and made a de novo determination of the portions of the Recommendation to which the Plaintiff objects. The allegations in the Plaintiff's objection are almost identical to those in his proposed amendment. Compare Doc. 17, with Doc. 34. As the Magistrate Judge points out in his Recommendation to deny the Plaintiff's motion to amend as futile, these allegations fail to state a claim. Doc. 40 at 12-13. Accordingly, the Plaintiff's motion for reconsideration (Doc. 17) is **DENIED**.

Accordingly, the Defendants' motion to dismiss (Doc. 29) is **GRANTED**, and the Plaintiff's complaint (Doc. 1) is **DISMISSED without prejudice**. The Plaintiff's motion to amend (Doc. 34) and motion for transfer (Doc. 38) are **DENIED**.

SO ORDERED, this 29th day of November, 2018.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT